THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 5th day of February,2007

W.P.No.8385 of 1996

Between:-

Senior Engineer (Works) now redesignated as Works Manager, APSRTC Canteen, Regional Workshop, Karimnagar ... Petitioner

and

K.S. Malliah, Labour Officer, Karimnagar and others ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.8385 of 1996

ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to the Order in M.W.C.No.141/92, dated 25-10-1993 on the file of the Authority under Minimum Wages Act and Assistant Commissioner of Labour, Karimnagar and quash the same as arbitrary and illegal.

Petitioner herein is the opposite party in the said M.W.C. Respondent No.1 is the Labour Officer and respondents 3 to 6 are the employees of the Canteen. It appears, the said Minimum Wages Case was filed by the Labour Officer, Karimnagar claiming minimum wages for respondents 3 to 6 herein as per G.O.Ms.No.55, Women Development, Child Welfare and Labour Department, dated 8-4-1991. It is stated that they were paid only Rs.400/- instead of Rs.810/- per month as required under the said Governmental Order. In all, an amount of Rs.18,698-60 ps was claimed for the said workmen. The applicant-Labour Officer stated that he had inspected the establishment run by the petitioner herein on 27-10-1992 and based on the inspection report, the claim was made. Petitioner herein filed a counter before the Authority on 9-4-1993 stating that job of cleaning/washing of vessels, sweeping of canteen premises and assisting the cook at Regional Workshop Canteen was entrusted to one Y. Hari, S/o Ramulu on payment of Rs.2,000/- per month and on 1-5-1992, an

agreement was signed in that regard. Respondents 3 to 6 herein were not employed directly or indirectly by the Corporation and no relationship of employer and employee exists; therefore, payment of minimum wages to them under the Minimum Wages Act does not arise. It was also stated that the workmen were employed by the Contractor-V.Hari and they are unskilled workers and only an amount of Rs.675/- per month is payable, but not Rs.810/- per month as alleged by the applicant. On behalf of the applicant, P.Ws.1 and 2 were examined and Exs.P1 to P8 were marked. On behalf of the opposite party, no oral evidence was adduced, but Ex.R1-deed of licence was marked. After a detailed consideration of both oral and documentary evidence, the Authority came to the conclusion that the minimum rates of wages fixed by the Government in G.O.Ms.No.55, dated 8-4-1991 are applicable to the workmen and, therefore, they are entitled for the amount claimed and as such, ordered the petition as prayed for. Aggrieved by the same, the Management filed the present Writ Petition.

Learned counsel for the petitioner strenuously contended that respondents 3 to 6 herein are not workmen employed with the petitioner. It appears, they were all employed by the canteen contractor; therefore, no liability can be fastened on the petitioner. Even otherwise, the minimum wages fixed for unskilled workers is Rs.675/- and not Rs.810/- per month as claimed in M.W.C. Therefore, the impugned Order is liable to be set aside.

None appears for the respondents.

I have given my earnest consideration to the submissions made by the learned counsel for the petitioner and perused the Order passed by the Authority under the Minimum Wages Act and other material made available on record.

Learned counsel for the petitioner has not placed any documentary evidence to show that the respondent-workmen are unskilled workers and they are entitled for only Rs.675/- per month and not Rs.810/- per month as required under G.O.Ms.No.55, dated 8-4-1991. In the absence of any evidence to show that the workmen are unskilled labour, the contention of the petitioner cannot be accepted. The Authority under the Minimum Wages Act has considered the entire evidence placed before it and came to a right conclusion that the workmen are entitled for wages as per the said G.O. The Authority has furnished cogent and convincing reasons for coming to such a conclusion. No case is made out to interfere with such an Order passed by the Authority, under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

05-2-2007

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